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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 Trustees of the Plumbers and Pipefitters  
11 Union Local 525 Health and Welfare Trust  
and Plan et al.,

12 Plaintiffs,  
13 vs.

14 Juan Carillio Sotelo dba Sotelo Air; Sotelo  
15 Air, Inc. dba Cool Air Now; Aegis Security  
Insurance Company; American Safety  
Casualty Insurance Co.,

16 Defendants.

17 Case No.: 2:13-cv-00657-JAD-NJK

**Order Granting in Part Motion to  
Strike Answer and Denying Motion for  
Clerk's Entry of Default [#21, 22]**

18 On November 15, 2013, Defendant Juan Carillio Sotelo filed an answer “in Proper  
19 Person and answering for” Sotelo Air; Sotelo Air, Inc. dba Cool Air Now; Aegis Security  
20 Insurance Company; and American Safety Casualty Insurance Co. Doc. 20. Plaintiffs move  
21 to strike the answer and to default these fictitious-entity defendants because the law prohibits  
22 non-attorney Sotelo from representing these parties in court. “It is a longstanding rule that  
23 corporations and other unincorporated associations must appear in court through an  
24 attorney.” *D-Beam Ltd. P'ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir.  
25 2004) (citation and quotation marks omitted, second modification in original); *Rowland v.*  
26 *California Men's Unit II Advisory Council*, 506 U.S. 194, 202 (1993). A court may sanction  
27 a fictional defendant by striking its answer when it fails to retain counsel to defend itself.

1 *See Galtieri-Carlson v. Victoria M. Morton Enters., Inc.*, 2010 WL 3386473 (E.D.Cal. Aug.  
2 26, 2010) (sanctioning corporate defendants by striking their answer when they failed to  
3 retain alternate counsel after the withdrawal of their original counsel); *Rojas v. Hawgs  
4 Seafood Bar, Inc.*, 2009 WL 1255538 (N.D.Cal. May 5, 2009) (“When a corporation fails to  
5 retain counsel to represent it in an action, its answer may be stricken and a default judgment  
6 entered against it”).

7 IT IS HEREBY ORDERED that Plaintiffs’ Motion to Strike the Answer **[#21] is  
8 GRANTED; the Answer on behalf of Sotelo Air, Inc. dba Cool Air Now, Aegis Security  
9 Ins. Co., and American Safety Casualty Ins. Co. is STRICKEN ;**

10 IT IS FURTHER ORDERED that the Motion to Enter Clerk’s Default against these  
11 fictitious defendants **[#22] is DENIED** without prejudice; Sotelo Air, Inc. dba Cool Air  
12 Now, Aegis Security Ins. Co., and American Safety Casualty Ins. Co. shall have up through  
13 and including **December 20, 2013**, to retain counsel and have new counsel file an answer on  
14 their behalf. **Sotelo Air, Inc. dba Cool Air Now, Aegis Security Ins. Co., and American  
15 Safety Casualty Ins. Co. are strongly cautioned that failure to retain counsel and have  
16 counsel file a proper answer on their behalf by this deadline may result in the entry of  
17 default and a potential default judgment entered against them.**

18 December 5, 2013.

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21 JENNIFER A. DORSEY  
22 UNITED STATES DISTRICT JUDGE  
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